

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2004 JUN -2 P 2:22

U.S. DISTRICT COURT
DISTRICT OF MASS.

ERIC FARETRA,
Plaintiff

v.

CASE NO.: 04 11133 MLW

JOHN KEITH and
CHAMPS SPORT SHOPS
OF MASSACHUSETTS,
INC.,
Defendant

EMERGENCY MOTION TO EXTEND TIME FOR SERVICE
OF PROCESS AS TO THE DEFENDANT, JOHN KEITH

NOW COMES THE PLAINTIFF, Eric Faretra, and respectfully moves this Honorable Court to extend the time for service of process upon the Defendant, John Keith, an additional ninety (90) days, for good cause.

As grounds for his Motion, the Plaintiff states that he has undertaken a due and diligent search for the Defendant, John Keith, including but not limited to a diligent search by the Middlesex County Sheriff's Department as well as a court appointed constable, all who have been unable to locate the Defendant to date. (Exhibit I)

The plaintiff intends to file a Motion for Order of Notice as to the Defendant, John Keith (attached)

The instant Motion was previously pending in Middlesex Superior Court (Civil Action No.: MICV2004-00833) when plaintiff received notice that the case had been

ALLOWED - SO ORDERED
WOLFE, D.J.
6/2 J/04

removed to the United States District Court. Plaintiff's counsel was instructed to hand deliver this Motion along with the Motion for Order of Notice. Counsel for the Defendant, Champs Sport Shops of Massachusetts, Inc., was contacted in order to obtain his assent to the within Motion, but was unavailable.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that this Honorable Court allow his Motion and enter an Order extending the time for service of process upon the Defendant an additional ninety (90) days in order that the Plaintiff may file for an Order of Notice.

Respectfully Submitted,

The Plaintiff,

By his Attorneys,

COLUCCI, COLUCCI & MARCUS, P.C.



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June 2, 2004